



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

March 20, 2007

8:30 A.M. ROLL CALL

Invocation by Pastor Roy Lee of the Calvary Worship Center Church

Pledge of Allegiance to the Flag

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Ceremonial Presentations:

Proclamation of "MEDIATION WEEK" – Councilmember Westerlund- **Read and Presented**

Presentation of Certificate of Appreciation and Life Safety Award Certificates – Fire Chief Bruegman- **Presented**

Approve corrected minutes of March 6, 2007 – **Approved**

Approve minutes of March 13, 2007

Action Taken: **Approved as submitted**

Councilmember Reports and Comments

Action Taken: **Made**

Approve Agenda

Action Taken: **Approved**

Adopt Consent Calendar

Action Taken: **Adopted**

1. CONSENT CALENDAR

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A. [RESOLUTION - Of Intention to annex Final Tract No. 5482 as Annexation No. 16 to City of Fresno Community Facilities District No. 11, and setting the public hearing for April 10, 2007, at 10:00 a.m. \(Property located in District 5\) – Public Works Department](#)
Action Taken: **Resolution No. 2007-96**
- B. [RESOLUTION – Approve the reallocation of \\$20,000 within the Pedestrian and Bicycle Facility Fund capital projects for bicycle public service announcements – Public Works Department](#)
Action Taken: **Resolution No. 2007-97**
- C. * [RESOLUTION – 11th amendment to PAR No. 2006-254 adding one Staff Assistant position – Personnel Services Department](#)
Action Taken: **Resolution No. 2007-98**
 - 1. * [RESOLUTION – 62nd amendment to AAR No. 2006-253 appropriating \\$13,700 in the Human Resources Management ISF fund to provide funding for one Staff Assistant position \(Requires 5 affirmative votes\)](#)
Action Taken: **Resolution No. 2007-99**
- D. [RESOLUTION – Approve notice of exemption authorizing application to the California Department of Health Services for Proposition 50 grant funds for a membrane biofilm reactor demonstration project through the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 at City of Fresno well site 180-2, and authorize the Director of Public Utilities or his designee to execute all necessary documents – Department of Public Utilities](#)
Action taken: **Resolution No. 2007-100**
- E. [RESOLUTION – Approve the summary vacation of a pumping plant and equipment easement on the south side of Bullard Avenue, east of Blackstone Avenue in the Target parking lot \(Property located in District 6\) – Public Works Department](#)
Action Taken: **Resolution No. 2007-101**

1. **CONSENT CALENDAR CONTINUED**

- F. * **RESOLUTION** – Approve master agreement for State funded local transportation projects between the City of Fresno and the State of California, acting through its Department of Transportation (CalTrans) and authorize execution of documents – Public Works Department
Action Taken: Resolution No. 2007-102
- G. Receive annual update of priority ranking lists for new traffic signal installations, traffic signal left turn phasing and intersection traffic flow improvements – Public Works Department
Action Taken: Update received
- H. * Recommend conditional approval of HOME Investment Partnerships Program funds for \$2.6 million to SADI LLC for construction of Phase II of the Tanager Springs Apartments, an 80-unit affordable multifamily housing development, located on the southeast corner of California and Maple Avenues – Planning and Development Department
Action Taken: Approved
- I. * **RESOLUTION** – Of public use and acceptance for conditional approval of purchase of five vacant parcels (2.3 net acres) located in southwest Fresno (Hughes-West diagonal), utilizing \$364,500 in HOME Program funds for the development of mixed income single-family housing – Planning and Development Department
Action Taken: Resolution No. 2007-103
- J. * Approve requirements contract for bus brake kits and parts – Dept. of Transportation/Fresno Area Express
Action Taken: Approved
- K. Authorize the Director of Transportation to enter into an agreement with Tanager Springs Development to extend service on Route 33 and execute all contract documents on behalf of the City of Fresno – Dept. of Transportation/Fresno Area Express
Action Taken: Authorized
1. * **RESOLUTION** – 65th amendment to AAR No. 2006-253 appropriating \$10,000 for costs related to this service (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2007-108
- L. Amending the Fresno Municipal Code requiring the installation of photo luminescent exit path marking for buildings three (3) stories or more – Fire Department
1. **RESOLUTION** – Consider and adopt findings regarding local climatic, ecological or topographical conditions that support amending the Uniform Fire Code and Uniform Building Code to require the installation of photo-luminescent exit path marking for buildings with three (3) or more stories
Action taken: Resolution No. 2007-109
2. * **BILL NO. B-13 (Intro. 2/27/2007) (For adoption)** – Amending the Fresno Municipal Code, requiring the installation of photo-luminescent exit path marking for buildings three (3) stories or more
Action taken: Ordinance No. 2007-27 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M.

CITY COUNCIL

- A. [Presentation of operational and financial audits of the Convention and Visitors Bureau – Councilmember Calhoun](#)
Action Taken: Presentation made
- B. [Modify administrator of Small Farmer Emergency Business Loan Program for small farmers who live in the City of Fresno and suffered damage to their farm during the recent freeze – Councilmembers Xiong and Duncan](#)
Action Taken: Modification made

9:45 A.M.

[Hearing to consider approval of an appeal to arborist's recommendation to not remove a sycamore tree in front of the property of Ray and Bettye Sullivan, located at 1636 N. Pacific Ave. \(**Property located in District 1**\)](#)
Action Taken: Hearing held; approved appeal of arborists recommendation- tree to be removed and replaced

10:00 A.M.

[CONTINUED HEARING to annex Final Tract No. 5312 to the City of Fresno Community Facilities District No. 2, Annexation No. 134 \(**Property located in District 4**\) – Public Works Department](#)

Action Taken: Held

- a. [RESOLUTION - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax](#)
Action Taken: Resolution No. 2007-104
- b. [RESOLUTION - Calling special mailed-ballot election](#)
Action Taken: Resolution No. 2007-105
- c. [RESOLUTION - Declaring election results](#)
Action Taken: Resolution No. 2007-106
- d. * [BILL - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 134](#)
Action Taken: Bill No. B-27, Ordinance No. 2007-26

10:15 A.M.

[HEARING regarding eminent domain, property located at Kings Canyon and Chestnut Avenues. Public Hearing to consider a resolution of public use and necessity for acquisition of a permanent easement and right of way for public street purposes and temporary construction easement from the following parcels of real property located at the intersection of Kings Canyon and Chestnut in the City of Fresno: 461-304-37s owned by Pasquale and Carmela Desantis; 463-222-1 owned by David Massry; 463-222-21 owned by Rosalie Morton and Aileen Leavitt; 470-092-34 owned by Mulholland Land Company and 472-030-72 owned by Ralphs Grocery Company \(**Requires 5 Affirmative Votes**\) \(**Properties located in District 5**\) – Public Works Department](#)

Action Taken: Held

- a. * [RESOLUTION - That the public interest and necessity require and authorize eminent domain for acquisition of permanent easements and rights of way for public street purposes and temporary construction easements from real property located at the intersection of Kings Canyon and Chestnut in the City of Fresno: 461-304-37s; 463-222-17; 463-222-21; 470-092-34 and 472-030-72](#)
Action Taken: Resolution No. 2007-107 adopted as amended to acquire an additional 150 square feet from parcel identified on Exhibit B, Parcel 1

10:30 A.M.

[Update on activities and progress of the Fresno County Economic Development Corporation by Steve Geil, Interim Executive Director – Councilmember Duncan](#)

Action Taken: Presentation made

March 20, 2007

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 11:00 A.M.#1** [**RESOLUTION** – Opposing immigration raids conducted by the United States Government and directing the City Attorney to examine all legal options and to pursue filing of a law suit to include any and all causes of action related to the immigration raids in Mendota, California – Mayor Autry](#)
Action Taken: Failed adoption
- 11:00 A.M.#2** **HEARING** to consider Rezone Application No. R-06-65, and environmental findings, filed by Sequoia-Fresno Joint Venture, pertaining to 9.5 acres of property located north of the northeast corner of North First Street and East Nees Avenue (***Property located in District 6***) – Planning and Development Department – **Continue to 3:00 p.m.**
Action Taken: Continued as noted
- 2:00 P.M.#1** **CONTESTED CONSENT CALENDAR**
- 2:00 P.M.#2** **GENERAL ADMINISTRATION**
- A.** [**RESOLUTION** – Establishing the Finance and Audit Committee – City Attorney's Office](#)
Action Taken: Resolution No. 2007-110
- 2:00 P.M.#3** **CLOSED SESSION**
- A.** **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Government Code Section 54956.9, subdivision (a)
- Case Name:** Sean Holguin v. Michael Manual Zamudio
Type of Claim: Workers Compensation
 - Case Name:** Raul Rodriguez v. City of Fresno
Type of Claim: Workers Compensation Type of Claim: Workers Compensation Subrogation City of Fresno v.
 - Case Name:** City of Fresno v. Raps Fresno LLC., et al.
 - Case Name:** City of Fresno v. Pinedale Public Utility District
 - Case Name:** Building Industry Association of San Joaquin Valley v. City of Fresno
Action Taken:
- B.** **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Government Code Section 54956.9, subdivision (b)
- Case Name:** City of Fresno v. Shell Oil Company, et al
 - Case Name:** City of Fresno v. M.J. Menefee Construction, Inc. and Great American Insurance Company (*Herndon Avenue Improvements*)
Action Taken:
- 3:00 P.M.** [**CONT. HEARING** to consider Rezone Application No. R-06-65, and environmental findings, filed by Sequoia-Fresno Joint Venture, pertaining to 9.5 acres of property located north of the northeast corner of North First Street and East Nees Avenue \(***Property located in District 6***\) – Planning and Development Department](#)
Action Taken: Held
- [Consider and adopt Environmental Assessment No. R-06-65/TPM-2006-44/C-06-269, determination of Initial Study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan](#)
Action Taken: Adopted
 - [**BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM \(*Exclusive Five Acre Agricultural/Urban Growth Management*\) zone district to the C-P/UGM \(*Administrative and Professional Office/Urban Growth Management*\) zone district](#)
Action Taken: Bill No. B-28, Ordinance No. 2007-28

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:15 P.M. [Report and presentation regarding HandyRide](#)
Action Taken: Report given and presentation made

3:30 P.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of February 27, 2007

Action Taken: Approved

A. [Approve acquisition of three easements on the west side of Cedar Avenue, South of Shields Avenue \(**Council and Agency Action**\) – Public Works Department](#)
Action Taken: Approved

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar.	27 -	10:00 A.M.#1	CONTINUED HEARING to consider amending MFS Resolution No. 80-420 adopting a Finding of Conformity with the General Plan MEIR, and introduction of an ordinance bill establishing new Citywide and new growth and major street impact fees – Public Works Dept.
Mar.	27	10:00 A.M.#2	CONTINUED HEARING regarding traffic signal impact fees
Mar.	27 -	10:15 A.M.	HEARING re: Approving the formation of UUD No. FRE-69 (Ventura Street betw. "M" St and State Route 99)
Mar.	27	10:20 A.M.	CONT. HEARING to annex Final Tract No. 5232 to CFD No. 11, Annexation No. 14
Mar.	27 -	10:30 A.M.	HEARING re: S-06-287, 4516 N. Chestnut Avenue
Mar.	27 -	11:00 A.M.	Workshop on Microsoft migration
Mar.	27 -	4:00 P.M.	2006 Cycle III Plan Amendments – Planning and Development Dept.
Apr.	3	NO MEETING – EASTER BREAK	
Apr.	10 -	10:00 A.M.#1	HEARING re: the vacation of a portion of Yale Avenue west of Weber Avenue – R.I. 1059-D
Apr.	10 -	10:00 A.M.#2	HEARING re: Annexation No. 16, CFD No. 11, Final Tract No. 5482
Apr.	10 -	10:15 A.M.	HEARING to consider the vacation of a portion of the Clinton-Terrace alley east of Blackstone Avenue. (Located in District No. 7)
Apr.	10 -	10:30 A.M.	TEFRA HEARING re: bond issuance for Community Medical Center – Finance Department
Apr.	10 -	2:00 P.M. – 5:00 P.M.	WORKSHOP on Department presentations
Apr.	17 -	10:15 A.M.	HEARING re: TA-06-03, related to noticing hearings for rezone applications and providing definitions and standards for medical marijuana – Planning Dept.